

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

**Thomas E. Perez,
Secretary of Labor,**

Plaintiff,

v.

**EL TEQUILA, LLC, and CARLOS
AGUIRRE, Individually,**

Defendants.

Case No. 12-CV-00588-JED-PJC

**DEFENDANTS' MOTION FOR EXTENSION OF TIME
TO RESPOND TO THE FOLLOWING MOTIONS BY PLAINTIFF:
(1) MOTION IN LIMINE (DOC 177); (2) MOTION IN LIMINE (DOC 178);
(3) MOTION IN LIMINE (DOC 179); (4) MOTION IN LIMINE (DOC 181); (5) MOTION
IN LIMINE (DOC 187); (6) MOTION TO STRIKE DEFENDANTS' AFFIRMATIVE
DEFENSES (DOC 188); AND (7) MOTION FOR SUMMARY JUDGMENT (DOC 190)**

COMES NOW the Defendants and urge the Court to grant this Motion for the following reasons:

1. Plaintiff has caused to be filed its Motion for Summary Judgment, five Motions in Limine, and Plaintiff's Motion to Strike Defendants' affirmative defenses described above; and the response date for all these motions is April 10, 2015.
2. Defendants request the Court to grant an extension of thirty (30) days to respond to each of these motions. The reason supporting the request for an extension is as follows:

- a. Defendants' counsel is a sole practitioner, and he personally conducts all research and preparation of all responses.
 - b. Defendants' counsel has recently been diagnosed with spinal lumbar stenosis. (See attached letter, Exhibit 1, from Benjamin G. Benner, M.D., F.A.C.S.) One symptom of the disorder is a tremor in Defendants' counsel's right arm. The tremor affects the process followed by Defendants' counsel in responding to the motions and requires substantially more time and attention by Defendants' counsel. *Id.*
 - c. Plaintiff's motions, supporting brief, and exhibits are voluminous. The motions and briefs number more than 85 pages, and the exhibits number more than 7,400 pages.
 - d. Counsel for Defendants cannot prepare and file the responses by April 10, 2015, and requests an extension of time. Counsel for Defendants has been required to miss work and devote substantial time in meeting with physicians, attending medical appointments, participating in diagnostic tests, and engaging in physical therapy.
3. Defense counsel has conferred in good faith with Plaintiff's counsel concerning this motion. Plaintiff's counsel agreed to a 15-day extension with regard to the following motions by the Plaintiff: Motion for Summary Judgment (DOC 190); Motion in Limine Concerning Discretionary Bonuses for Non-Exempt Employees (DOC 187); and Motion to Strike Defendants' Affirmative Defenses (DOC 188).
 4. This motion is not filed for delay or any improper reason.
 5. The granting of this Motion will not interfere with the Scheduling Order now in effect.

WHEREFORE, Defendants pray that this Motion is granted and the Court extends the time for the response of these motions.

Respectfully submitted,

WILKINSON LAW FIRM

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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of April 2015, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Matthew P. Sallusti, Esq.
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Office of Solicitor
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s/Bill Wilkinson
Bill V. Wilkinson